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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,031	12/04/2003	Yoshiaki Ohmori	P/126-226	1004

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NEW YORK, NY 100368403

EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,031

Applicant(s)

OHMORI, YOSHIAKI

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2,7-9 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Lorimer (EP 0724371 A1).

Regarding claims 1 and 9, Lorimer discloses a mobile radio terminal and a cell search method for use in a mobile radio terminal adaptable to a predetermined number N of kinds of mobile telephone systems, where N is an integer not less than 1, the method comprising the steps of setting priorities for the mobile telephone systems (see page 2, lines 6-17 and page 3, lines 35-46), immediately carrying out cell search for a high-priority mobile telephone system when a transmission-related operation is executed by the mobile radio terminal in case where location registration to a low-priority mobile telephone system has already been made (see page 2, lines 6-17 and page 3, lines 35-46), and carrying out, upon detecting a cell of the high-priority mobile telephone system, location registration for the high-priority mobile telephone system to put the mobile radio terminal into a standby state in the high-priority mobile telephone system (see page 2, lines 6-14 and page 3, lines 35-46).

Regarding claim 2, Lorimer also discloses the transmission-related operation is a dial input operation or a mail address input operation (see page 3, lines 52-58).

Regarding claims 7 and 13, Lorimer also discloses in case where a cell of the high-priority mobile telephone system is not detected by the cell search for the high-priority mobile telephone system, transmission is carried out in the low-priority mobile telephone system to which the location registration has been made (see page 3, lines 14 to 45).

Regarding claim 8, wherein priorities of the mobile telephone systems can be determined and the cell search is executed with reference to the priorities determined and the information of one of the mobile telephone systems as a current standby system in which the mobile radio terminal is currently in the standby state (see page 3, lines 14 to 45).

Regarding claim 12, Lorimer also discloses comprising means for carrying out transmission after detection of a transmission start operation and completion of the location registration to the high-priority system (see page 2, lines 6-14 and page 3, lines 35-46).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lorimer (EP 0724371 A1) in view of Ogawa (US 5991644).

Regarding claim 3, Lorimer does not disclose wherein said mobile radio terminal is a folded-type mobile telephone and the transmission-related operation is an operation of unfolding the folded-type mobile telephone. However, Ogawa discloses wherein said mobile radio terminal

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is a folded-type mobile telephone and the transmission-related operation is an operation of unfolding the folded-type mobile telephone (see abstract and figs. 3A-3B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Ogawa to Lorimer in order to avoid transmitting and receiving calls or data when user does not want to.

3. Claim 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorimer (EP 0724371 A1) in view of Lim et al. (US 2003/0117996 A1).

Regarding claims 4 and 10, Lorimer does not disclose in case where a cell of the high-priority mobile telephone system can not be detected by the cell search for the high-priority mobile telephone system following the transmission-related operation, the cell search for the high-priority mobile telephone system is repeated in a short search cycle for a predetermined period of time. However, Lim et al. disclose cell search for the high-priority mobile telephone system is repeated in a short search cycle for a predetermined period of time (see par. 0029). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Lim et al. to Lorimer so that user can be connected to the preferred network when the network is available.

4. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorimer (EP 0724371 A1) in view of Shoji et al. (US 2002/0041580 A1)

Regarding claims 5 and 11, Lorimer does not disclose wherein, in case where a cell of the high-priority mobile telephone system can not be detected by the cell search for the high-priority mobile telephone system following the transmission-related operation, the cell search for the high-priority mobile telephone system is repeated in a short search cycle a predetermined

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number of times. However, Shoji et al disclose in case where a cell of the high-priority mobile telephone system can not be detected by the cell search for the high-priority mobile telephone system following the transmission-related operation, the cell search for the high-priority mobile telephone system is repeated in a short search cycle a predetermined number of times (see par. 0068). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Shoji et al. to Lorimer so that user the system can connect communication of subscriber with the provider when the network is available.

Allowable Subject Matter

5. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 14 is allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 14 is allowed because the closet prior art, Lorimer (EP 0724371 A1), Ogawa (US 5991644), and Lim et al. (US 2003/0117996 A1), either singularly or in combination, fail to disclose requesting setting of a long cycle for the cell search for the high-priority mobile telephone system or stop of the cell search for the high-priority mobile telephone system and requesting recovery of the standby state in the low-priority mobile telephone system if the cell of the high-priority mobile telephone system is not detected in the cell search repeatedly carried out for the predetermined period of time or the predetermined number of times, in combination with all other limitations in the claim as defined by applicant.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moise Emmanuel can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN
David Nguyen

E. Moise
EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER